



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2307698  
**Applicant Name:** Meredith Wirsching  
**Address of Proposal:** 400 Northeast 45<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to change the use of an existing four-story hotel, restaurant and retail building to 27,507 sq. ft. of retail and 84 apartment units. Parking for 102 vehicles to be provided onsite and for 30 vehicles on a surface parking lot located at 4520 4th Avenue NE (under Project #2407756).

\*Note: the project description has been renoticed and revised from the original notice of application.

The following approvals are required:

**Variance** – To allow less than eighty percent (80%) of non-residential use along street frontage (Required 174.6' Proposed 46.75' - SMC 23.47.008.B).

**Variance** – To allow less than the required residential open space in an NC zone (Required 12,387 sq. ft. Proposed 7,811 sq. ft. - SMC 23.47.024.A).

**Variance** – To allow more than 3' above sidewalk grade entrance for non-residential use (SMC 23.47.024.A). \*Note: this variance is no longer required due to the proposal being revised.

**SEPA - Environmental Determination** – (Chapter 25.05, Seattle Municipal Code.)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

## **BACKGROUND INFORMATION**

### **Site and Vicinity Description**

The subject site is University Plaza Hotel. This approximately 65,355 square foot (sq. ft.) rectangular site in the Wallingford Urban Village is zoned Neighborhood Commercial 3 (NC3-40'), located, between 5<sup>th</sup> Avenue Northeast (I-5 off ramp) to the east, Northeast 45<sup>th</sup> Street to the south, 4<sup>th</sup> Avenue Northeast to the west and an alley to the north. A 134-room hotel, restaurant (associated with the hotel), auto detailing shop, espresso stand, and associated parking currently resides on the site. Vehicular access to the existing parking on site is via all previously mentioned streets and alley. Northeast 45<sup>th</sup> Street is considered a principal arterial, paved with curbs, gutters and sidewalks. Both 5<sup>th</sup> Avenue Northeast and 4<sup>th</sup> Avenue Northeast are considered non-arterial streets, paved with curbs, gutters and sidewalks. The adjacent 14' wide alley is paved.

A portion of the site is identified as Environmentally Critical Area (ECA) Steep Slope. The site slopes significantly downward from west to east along Northeast 45<sup>th</sup> Street. Primary pedestrian access and vehicular access to a covered porte-cochere with parking on the first floor is along 4<sup>th</sup> Avenue Northeast. Access to the partial below grade structured parking is provided along 5<sup>th</sup> Avenue Northeast, Northeast 45<sup>th</sup> Street and the alley. There is currently no at-grade access to the building's first floor along 5<sup>th</sup> Avenue Northeast and Northeast 45<sup>th</sup> Street.

Two (2) principal use surface parking lots plus two (2) additional properties have historically been united with this site in order to fulfill the existing uses' total parking requirement of 151 parking spaces. As noted per DPD permits (#BN49556 & #BN49557), the offsite parking is allocated as follows: thirty (30) parking spaces at the parking lot immediately north of the subject site across the alley (Parcel B - APN #189000-0005); fifty (50) parking spaces at the parking lot west of the subject site across the street (Parcel C - APN #189000-0005); twelve (12) parking spaces shared with the property addressed as 316 Northeast 45<sup>th</sup> Street (APN #189000-0155) west of the subject site; and three (3) parking spaces shared with the property addressed as 305 Northeast 45<sup>th</sup> Street (APN #313120-1260) southwest of the subject site.

Adjacent zoning surrounding the site is as follows:

North	Single Family 5000 (SF 5000) & Lowrise 1 Residential Commercial (L-1 RC)
East	Neighborhood Commercial 3 (NC3-65') & Midrise (MR)
South	Neighborhood Commercial 3 (NC3-40')
West	Neighborhood Commercial 3 (NC3-40') & Lowrise 1 Residential Commercial (L-1 RC)

Adjacent uses are as follows:

North	Single Family Residential & Principal Parking Lot
East	I-5 Freeway, Apartments & Retail
South	Multi Family Residential & Mixed Use Apartment/Commercial
West	Office Building & Principal Parking Lot

### Proposal

The applicant's proposal is to change the use of an existing 134 room hotel, restaurant, commercial space and accessory parking to a mixed use 84-unit apartment structure with retail and accessory parking. A request for thirty (30) off-site parking spaces accessory to the retail use and adjacent to the subject site is proposed under a separate application (Project #2407756).

The proposal would maintain the existing structure and footprint. However, interior and exterior alterations and additions are described below.

The existing first floor level fronting on 4<sup>th</sup> Avenue Northeast is approximately 24,418 sq. ft. and contains a covered exterior drive (porte-cochere) with parking, hotel administrative uses, retail and a restaurant associated with the hotel. A covered terrace is located on the northeast, east and south building facades. The proposal includes interior alterations to convert this level to the residential lobby (1,635 sq. ft.) and retail sales and service use (26,831 sq. ft.). Additionally, the covered terrace area will be converted to interior space by extending the northeast, east and south wall facades to the exterior building line. This additional gross floor area (4,048 sq. ft.) is included in the proposed uses mentioned above.

The existing second and third floor levels are each approximately 30,150 sq. ft. of hotel lodging with a courtyard and pool accessed from the second floor. The proposal includes interior alterations to convert the 134 hotel rooms to a total of eighty-four (84) studio, one-bedroom and two bedroom apartment units. The courtyard including the infilled pool will be landscaped and used as open space for the future residents.

The existing partially below grade basement level is approximately 38,147 sq. ft. and contains accessory parking, restaurant (associated with the hotel), mechanical/electrical room, auto detailing shop and an espresso stand. The proposal includes reconfiguring the parking layout to create a total of ninety-two (92) commercial/residential parking spaces. A retail space (676 sq. ft.) is proposed at the southeast corner of the existing building. Creation of a storage room (259 sq. ft.), mechanical room (2,263 sq. ft.) and waste room (279 sq. ft.) is also proposed at this level.

The proposal also includes sidewalk paving improvements and additional street trees along 5<sup>th</sup> Avenue Northeast. A steel grated frame interspersed with vining plants and metal overhead door grills are proposed to screen the parking area. Landscaping improvement along the exterior of the building is also proposed.

### Public Comments

The first required public comment period ended on April 14, 2004. Due to the project being revised by the applicant, an additional public comment period was required which ended on November 17, 2004. Overall DPD received eight (8) written comments letters regarding this proposal. A letter from the Board of the Wallingford Community Council expressed support of the proposal and suggestions for enhancing the pedestrian environment along the portion of the building fronting on Northeast 45<sup>th</sup> Street. The neighbors voiced concerns related to the following:

- Possible spillover parking onto residential streets.

- Impacts due to proposed future development on the two sites across from the subject site will not be taken under consideration with this proposal.
- Increased vehicle traffic and decreased street parking on 4<sup>th</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast.
- Negative impacts to existing traffic flow and possible increased traffic congestion as it relates to I-5 freeway access.
- Negative impacts to the historic character of the neighborhood and the quality of life.

### **ANALYSIS – VARIANCE**

Variances may be authorized only when all the variance criteria set forth in 23.40.020 and quoted below are met.

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of the land use code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity.*

#### **Response to Criterion 1 - Quantity of Nonresidential Use Street Frontage Variance**

One unusual condition associated with the subject property is the existing topography of the site and the original construction of the building make it impractical to meet the strict requirements of the land use code, specifically the street level non-residential use street front façade requirement (SMC 23.47.008.B).

A portion of the site is identified as Environmentally Critical Area (ECA) Steep Slope. The existing topography slopes significantly downward from 4<sup>th</sup> Avenue Northeast to 5<sup>th</sup> Avenue Northeast along Northeast 45<sup>th</sup> Street. The original building was designed with its primary entrance at grade on 4<sup>th</sup> Avenue Northeast and an additional south side entrance via exterior concrete stairs near the intersection of Northeast 45<sup>th</sup> Street and 4<sup>th</sup> Avenue Northeast. The exterior stairs start approximately 4'-6" below the first floor level. The parking level, which is entirely exposed from the east and partially exposed on the south and north sides of the building, is approximately 18'-2" below the first floor level.

The existing building was built in 1966. The owner proposes to convert an existing hotel to a mixed use building by remodeling the existing hotel rooms to apartments, converting the associated restaurant/hotel/retail to retail on the first floor, adding a retail space at the southeast corner of the parking garage and retaining the partially below grade parking. Land Use Code mixed use development standards require a minimum of eighty percent (80%) of a structure's street front façade at street level shall be occupied by nonresidential uses (SMC 23.47.008.B). Because this property fronts on three (3) streets, section 23.47.008.B.4 further dictates that the required street level should be Northeast 45<sup>th</sup> Street. The proposed 46.75' x 15' retail space would be twenty-one percent (21%) of the structure's

street front façade due to the change in grade on Northeast 45<sup>th</sup> Street and fifty percent (50%) of the required 30' depth.

Strict application of the Land Use Code would require a 174.6' x 30' non-residential commercial space along Northeast 45<sup>th</sup> Street. Due to the placement of the existing structure and existing parking access, the existing building would need to be rebuilt and parking circulation would be greatly reduced in order to meet these requirements. This would deprive the property rights and privileges to remodel an existing building that are enjoyed by other properties in the same zone or vicinity.

#### Response to Criterion 1 - Open Space Variance

Additionally, the existing configuration of the building does not allow for the residential open space requirement to be met. Usable open space is intended for use by the residents of the development or structure. There are limited areas where open space can be provided onsite-those areas being the courtyard and pool area on the second floor. The applicant is proposing to infill the pool and landscape the entire courtyard area-6,302 sq ft. Strict application of the Land Use Code would require twenty percent (20%) of the gross residential floor area-12,387 sq. ft.-thus requiring the applicant to create an additional 6,085 sq. ft. of open space that is currently occupied by building footprint.

Granting the variance would allow the property owner to create open space that more closely matches the existing building footprint and has the highest probability of being utilized by future residents. Thus, the size and shape of the existing building footprint was not created by the current property owner and the strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is located.*

#### Response to Criterion 2 - Quantity of Nonresidential Use Street Frontage Variance

Approving this proposed variance would not constitute a grant of special privilege and would not go beyond the minimum necessary to afford relief. The applicant is requesting a waiver from the eighty percent (80%) of non-residential use along street frontage mixed use development requirement. Historically, the non-residential uses (hotel/restaurant/retail) have occupied the first floor: Parking and limited commercial uses (espresso stand and detail shop) have occupied the parking level. The granting of the variance is not a grant of special privilege because the applicant will still provide commercial uses on the first floor and proposes a commercial tenant space on the parking level at the southeast corner of building. The proposed retail space is more visible from the street and pedestrian oriented than the existing commercial uses on this floor. Therefore, the intent of meeting this mixed use development standard is met.

#### Response to Criterion 2 - Open Space Variance

The proposal includes infilling a pool within the existing hotel courtyard to create a usable open space area within the existing building footprint that would be accessible to the apartment residents. The close proximity of the building footprint to the property lines does not allow for the creation of additional open space in the form of balconies, decks and ground level yards. Nor is it practical to create a roof garden on the building's existing roof. Because the existing building would have to incur major structural alterations or be demolished to provide code compliant usable open space, the granting of the variance is not a grant of special privilege. Any other neighboring properties that have similar code compliance issues by converting a commercial structure not built to current zoning codes to meet mixed use development standards would be granted the same accord, depending on the specifics of the proposal. In this case, the minimum necessary to afford relief would be the continual usage of the courtyard area as appropriate open space.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

#### Response to Criterion 3 - Quantity of Nonresidential Use Street Frontage Variance

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting this variance. The public welfare will likely be improved by the installation of the new commercial retail space at the southeast corner of the building. The glass storefront and screening element with vining plants around the parking perimeter specifically along Northeast 45<sup>th</sup> Street will shield the pedestrians from the parking garage, provide a better pedestrian experience and assist in creating a gateway edge to the Wallingford neighborhood.

#### Response to Criterion 3 - Open Space Variance

The proposal includes open space that is practical based on the building's existing footprint and functional for the future residents. Furthermore, alterations to the existing courtyard area and additional landscape elements are being added to encourage residential usage of the area. As a result, this variance if approved will not be materially detrimental to the public welfare or injurious to the property or improvements in the subject Neighborhood Commercial zone.

4. *The literal interpretation and the strict application of the applicable provision or requirements of the Land Use Code would cause undue hardship or practical difficulties.*

#### Response to Criterion 4 - Quantity of Nonresidential Use Street Frontage & Open Space Variance

The literal interpretation and strict application of the applicable application and requirements of the Land Use Code would deny the property owner the ability to change the use of the existing commercial building to a mixed use residential structure. The applicant would need to perform major structural alterations or possibly demolish the existing building in order to provide code required 174.6' x 30' non-residential commercial space along Northeast 45<sup>th</sup> Street and 12,387 sq. ft. of usable open space.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and regulations for the area.*

The Neighborhood Commercial development standards seek to ensure the creation of a pedestrian-oriented shopping district serving both surrounding neighborhood and larger community or citywide clientele with a wide range of retail business as well as offices and business support services. The requested variances which are needed to convert this commercial building to a mixed use residential development would enhance the surrounding commercial community. Granting the variances would not be contrary to the spirit and purpose of the Land Use Code Regulations.

### **DECISION – VARIANCE:**

The requested variance to allow less than eighty percent (80%) of non-residential use along street frontage (SMC 23.47.008.B) is **APPROVED.**

The requested variance to allow less than the required residential open space in an NC zone (SMC 23.47.024.A) is **APPROVED.**

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts of the proposed project was originally made in the environmental checklist dated March 9, 2004 and revised November 9, 2004. The information in the checklist, supplemental information and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) states, in part, *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

#### **Short-Term Impacts**

The following temporary or construction-related impacts are expected: 1) decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; 2) increased dust caused by drying mud tracked onto streets during construction activities; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) temporary soil erosion; 6) conflict with normal pedestrian movement adjacent to the construction area; 7) increased noise; and 8) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (Section 25.05.794, SMC). Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian rights-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Due to the developed nature of the sites and surrounding neighborhood, compliance with these applicable codes and ordinances will reduce or eliminate anticipated short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

#### Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal include: increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. The long-term impacts anticipated are minor in scope considering the proposal involves the reuse of an existing structure. However, due to the change of use included in this proposal, traffic and parking impacts warrant further analysis.

#### Traffic and Transportation

William Popp Associates submitted a Traffic Analysis Memorandum dated March 2, 2004 and a Traffic Analysis Memorandum Update dated September 22, 2004 and later revised December 7, 2004 for the applicant. The report determined trip generation, trip distribution and trip assignments for the proposal in comparison to the existing uses (hotel, restaurant, auto care center) on the site. The project is estimated to generate 1,077 daily, 43 AM and 89 PM peak hour trips to the surrounding street system (non-pass-by trips) based upon The Institute of Transportation Engineers (ITE) Trip Generation Manual (7<sup>th</sup> edition). When considering trips generated by existing uses on the site, the net is estimated to be a reduction of 228 daily trips, 39 AM and 11 PM peak hour trips to the surrounding street system.

Assuming that the existing hotel use and other on-site uses were operating at full potential, the number of total daily PM peak hour trips (including pass-by and non-pass-by trips would increase slightly with the project's 117 additional daily trips and fifteen (15) PM peak hour trips. The weekday AM peak hour volume for the project is estimated to be less than the existing building's estimated vehicle trips (twenty-eight (28) fewer trips).



The Traffic Consultant's report and historical documentation demonstrates a traffic flow pattern that allows for vehicles coming from 4<sup>th</sup> Avenue Northeast to connect to a paved one-way driveway via the alley; this allows for entering/exiting into the below grade parking area or continuing to 5<sup>th</sup> Avenue Northeast. An existing rockery system and two (2) proposed large tandem parking spaces along the northeasterly façade combine to disrupt the traffic flow by not provide code required 10' minimum driveway vehicle clearance width. It is predicted that this disruption would negatively change the existing traffic flow direction by requiring persons utilizing the parking garage to drive further north on 4<sup>th</sup> Avenue Northeast and turn onto Northeast 47<sup>th</sup> Street in order to access the garage entrance located on 5<sup>th</sup> Avenue Northeast. Adverse impacts such as this are not adequately mitigated by existing City codes. Thus, additional mitigation is warranted pursuant to the Traffic and Transportation Policy (SMC 25.05.675R). Therefore, as a condition of approval, the applicant will be required to relocate the two (2) required parking spaces per Land Use Code requirements or alter/remove the existing rockery in order to create a minimum 10' wide one-way (west to east) driveway clearance between the proposed parking spaces and the property line.

### Parking

The existing structure includes a 134 room hotel with ancillary restaurant and retail uses-a 7,171 square foot restaurant/nightclub, a 1,841 sq. ft. auto detailing business, and an eight-nine (89) sq. ft. espresso stand. Parking available to these uses consists of fifty-six (56) spaces on-site, thirty (30) stalls to the north of the site, three (3) parking spaces shared with the property addressed as 305 Northeast 45<sup>th</sup> Street southwest of the subject site and (2) two parking lots on the west side of 4<sup>th</sup> Avenue Northeast: one fifty (50)-stall lot and one twelve (12)-stall lot.

Based on The Institute of Transportation Engineers (ITE) Parking Generation Manual (3<sup>rd</sup> edition), the hotel would likely generate a peak parking demand of 122 spaces. The peak parking demand of the restaurant/nightclub would be approximately 110 spaces; however, the trip generation analysis reduced the amount of traffic generated by the restaurant by 50%, to more accurately reflect use patterns of the restaurant. The peak parking demand for the restaurant similarly is reduced by 50%. For this analysis, the auto detailing business and the espresso stand are not assumed to generate demand for parking, although each may result in a small parking demand for employees, customers, etc., at peak times.

ITE Parking Generation provides weekday time-of-day distributions for both hotel and restaurant uses, allowing an estimation of the combined peak parking demand of the two uses. This demand occurs at 7:00 PM, when the combined uses generate a demand for 154 parking spaces. The available lots supply 151 total parking spaces; therefore, during peak periods, the existing uses would generate a demand for approximately three (3) spaces that could not be accommodated on the lots, and would be expected to use on-street spaces.

The Land Use Code requires a total of seventy-five (75) residential parking spaces and fifty-seven (57) retail commercial parking spaces for the proposed development. The submitted MUP plans indicate 103 parking spaces on site and thirty (30) off-site parking spaces accessory to the retail use (See project #2407756). The amount of retail commercial parking spaces likely will be sufficient to accommodate the project's peak retail parking demand, but residents of the project likely will generate

a peak demand that exceeds the seventy-five (75) spaces shown on the plans. Residential peak parking demand typically is influenced by the location of the project, the proximity of transit service and the site of the housing units. Considering these factors and past City experience with multifamily housing demand, it is expected that this project will generate a peak residential parking demand of approximately 1.25 spaces per unit. Based on the proposed eighty-four units, the estimated peak residential parking demand would be 105 spaces. It is also estimated that the combined peak parking demand for the two uses would be 134 spaces exceeding the project's parking demand by two (2). This demand would occur at 8:00 PM. weekdays. The expectation is that any spillover parking that might occur briefly at peak times would not worsen relative to that generated by the uses currently on the site.

Based on the amount of parking being provided, it is determined that there will be adequate parking during peak demand for both uses but not a sufficient amount of on-site designated residential parking. A review of the parking conditions on 4<sup>th</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast indicates adequate on-street parking spaces are not available to accommodate the "spillover" parking of thirty (30) vehicles. It is not expected that the proposed development will increase the amount of on-street parking being utilized as long as an adequate amount of long-term parking is designated for the residents to use on-site. Thus, additional mitigation is warranted pursuant to the Parking Policy (SMC 25.05.675M). Therefore, the proposal will be conditioned to restrict retail parking on site after 8:00 PM until 9:00 AM within the parking garage. During these times, parking for the retail use will be directed to the surface parking lot just north of subject site, in order to mitigate the possibility of residential spillover parking onto adjacent residential streets. It is expected that signage will be posted within the parking garage, at the garage entrances stating no retail parking allowed on site during this time period and directing customers to the adjacent parking lot.

### Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis.

### **DECISION - SEPA**

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**CONDITIONS – VARIANCE**

None.

**CONDITIONS - SEPA**

Prior to the issuance of the Master Use Permit:

1. The applicant must address the mitigation of potential spillover parking onto adjacent residential streets by restrict retail parking on site after 8:00 PM until 9:00 AM within the parking garage. During these times, parking for the retail use will be directed to the surface parking lot just north of subject site. Signage will be posted within the parking garage, at the garage entrances stating no retail parking allowed on site after 8:00 PM until 9:00 AM and directing customers to the adjacent parking lot. All appropriate plans must be updated to reflect these changes and approved by the Land Use Planner.
2. The applicant will be required to relocate the one (1) required large tandem parking space along the structure's northeasterly façade or alter/remove the existing rockery and meet any applicable codes to create a minimum 10' wide one-way (eastbound) driveway clearance between the proposed parking spaces and the property line or proposed retaining wall.

Signature: (signature on file) Date: December 20, 2004  
Tamara Garrett, Land Use Planner